

**FILED**

UNITED STATES COURT OF APPEALS

JUN 10 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOSEPH MITCHELL,

Petitioner - Appellant,

v.

U.S. ATTORNEY GENERAL ALBERTO  
GONZALES,

Respondent - Appellee.

No. 07-17065

D.C. No. CV-07-04619-SI  
Northern District of California,  
San Francisco

ORDER

Petitioner's unopposed motion to extend time to file a petition for rehearing is denied as unnecessary. Pursuant to Federal Rule of Appellate Procedure 40(a)(1), any petition for rehearing is not due until the forty-fifth day after the May 15, 2008 entry of judgment.

FOR THE COURT:

Molly Dwyer  
Clerk of Court

By: Kathryn E. White  
Motions Attorney/Deputy Clerk  
9th Cir. R. 27-7  
General Orders/Appendix A

KW/MOATT